

REMARKS

Claims 1-4, 7, 8, 10, 16, 18-20, 34, 40-44, 46, 52-53 and 58-77 were pending in this application. By this amendment, Applicant is canceling claims 10, 16, 18-20, 34, 40-41, 44, 46 and 52-53 without prejudice or disclaimer. Claims 1-4, 42 and 72-74 have been amended. As a result claims 1-4, 7, 8, 42, 43 and 58-77 are pending for examination with claims 1-4 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. 112, First Paragraph**1. Written Description**

The Examiner rejected claims 1-4, 7-8, 42-43 and 58-77 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Applicants have made amendments to the claims and respectfully request reconsideration of the claims as amended.

The Examiner based the rejection of the inclusion of functional variants of the MAGE-A12 HLA class II-binding peptides in the claims. Although the Applicant does not agree that the specification does not describe functional variants in a way that demonstrates to one of ordinary skill in the art that Applicant was in possession of the claimed invention including functional variants, Applicant has amended claims 1-4 to remove this aspect of the claims. Applicant reserves the right to pursue claims that include functional variants in one or more continuing applications.

Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn

2. Enablement

The Examiner rejected claims 1-4, 7-8, 42-43 and 58-77 under 35 U.S.C. 112, first paragraph as not enabled for the aspects of the claims that recite functional variants. Applicant respectfully requests reconsideration of the claims as amended.

Although Applicant does not agree that claims encompassing functional variants are not enabled, in order to expedite prosecution Applicant has amended the claims, as noted above, to excise these aspects of the claims, without prejudice to pursuing claims to functional variants of these HLA binding peptides in one or more continuing applications. Applicant does not agree that it would require undue experimentation for one of ordinary skill in the art to practice the claimed invention, including functional variants, based on the guidance provided in the specification coupled with the knowledge in the art.


Based on the amendments made to the claims, Applicant respectfully requests that the rejection under 35 U.S.C. 112, first paragraph, be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,


John R. Van Amsterdam, Reg. No. 40,212
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210
Telephone: 617.720.3500

Docket No.: L0461.70097US00
Date: March 3, 2004
x03/22/04